

HAND DELIVERED

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Subject: Request for Environmental Impact Study regarding Permit No. 2006-1014

In response to the Corps of Engineers Public Notice of Permit No. 2006-1014, issued on August 13, and as my submission to the Public Hearing held on this date, I request that

- o The Corps of Engineers prepare an Environmental Impact Statement (EIS) for this proposed action.
- o The Agency consider this submission and attached references while conducting the Environmental Assessment, EIS, or other analyses concerning the proposed Intermodal

Rationale for Request for an Environmental Impact Statement

1. Huge Regional Scope. What is referred to in the Corps of Engineer application as the "Gardner Intermodal Facility" is referred to by BNSF as the "Kansas City Logistics Park", because its impact will be regional, and not limited to Gardner. The Intermodal Rail Yard is expected to generate the development of dozens if not hundreds of huge warehouses, some located nearby, and other elsewhere in the Kansas City Metropolitan area. The main market area for this facility will be a radius of at least 300 miles.

At least 12 million square feet of warehousing is projected to be developed immediately adjacent to the Rail Yard, with dozens or hundreds of warehouses to be developed elsewhere in Johnson County and the metropolitan area. In response to the Intermodal plans, another developer has proposed 2 million square feet of warehouses approximately three miles from the Intermodal Facility, on Old 56 highway.

Other Intermodal Rail Yards have generated the development to hundreds of warehouses. The Dallas Logistics Park, another BNSF/Allen Group partnership, is expected to generate 70 million square feet of warehouses and other buildings. Attached references:

- a. KC becoming transportation hub - Plans by BNSF and Kansas City Southern and at KCI touted as opportunities.pdf
 - b. The Allen Group, BNSF Railway Finalize Agreements for Logist.pdf
 - c. Dallas Logistics Hub.jpg
 - d. Report to the SWJCEDC Board 907.doc
2. Huge impacts on diesel truck traffic generation, transportation patterns, and congestion. In its traffic study, BNSF says that the facility will generate 1800 diesel truck trips per day at opening, and is capable of generating 4000 truck trips per day. BNSF projects that it will grow to full capacity by the year 2025.

However, as was the case with the Memphis BNSF Intermodal Facility, these facilities can be expanded quickly to handle additional capacity simply by adding a new rail spur and yard equipment. As was the case at other new or expanded BNSF facilities, growth can be much faster than initially projected. The number of lifts at the BNSF Elwood IL facility increased at a rate of 400 percent over 4 years, and the BNSF Memphis TN Facility increased at a rate of 700 percent over 7 years.

Given the high rate of increase in Asian containers entering the BNSF system at Long Beach California, and their corporate objective of speeding transportation of these containers, these rates of growth are very likely indicative of what will happen at the Gardner Facility. If that happens, the number of diesel truck trips leaving the facility every day could increase to 7,400 in four years, and over 12,000 in seven years. Attached reference:

- a. BNSF growth figures are hard to believe.pdf
3. Significant direct, indirect, and cumulative environmental, impacts will occur as a result of the development and operations of the Gardner Intermodal Facility and warehouses built throughout Johnson County and the metropolitan area as a result of the construction of the Intermodal Facility. This has been the case with other Intermodal Facilities. Impacts include but are not limited to air and water pollution, and traffic congestion. Attached references:
- a. Review of Environmental Factors Affecting Intermodal Freight Transportation Facility Development and Expansion, FHWA, June 2001.doc
 - b. Air Dispersion Modeling Assessment of Air Toxic Emissions - BNSF Commerce Rail Yard.pdf.
 - c. Looking Ahead at Clean Air Issues' Potential Impact on Railroads - BNSF.pdf
 - d. Chapter 3 Freight Transportation Emissions at the Regional Level - Freight Movement and Air Quality - FHWA.mht
4. Intermodal Rail Yards cause serious negative health effects throughout the regions in which they are located. Intermodal Rail Yards and the warehouses

built to be served by them directly and indirectly cause serious health effects in the areas surrounding them, and significant health effects elsewhere in the region. These effects have been studied at existing Intermodal Rail Yards. This Intermodal Facility will have similar effects. Attached References:

- a. Draft HRA for the BNSF Watson Railyard.pdf
- b. Draft HRA for the BNSF Commerce Eastern Railyard.pdf
- c. Draft HRA for the BNSF Hobart Railyard.pdf
- d. Draft HRA for the BNSF Richmond Railyard.pdf
- e. Draft HRA for the BNSF Sheila Railyard.pdf
- f. Draft HRA for the BNSF Stockton Railyard.pdf
- g. 2005 Research Highlights - Particulate Matter and Ozone.pdf
- h. Diesel Truck Soot Linked to Asthma.pdf

5. There is a significant risk this development will trigger non-attainment of air emissions standards. Kansas City is close to failing to reach attainment levels for at least two criteria pollutants. This Intermodal Facility and/or the additional warehouse development and diesel truck transportation generated by the facility may cause Kansas City to exceed attainment standards. Attached Reference:
 - a. Lung association issues KC-area air quality report - Kansas .pdf

6. No analysis has been done to date to fully determine the impacts of this facility. To date, there have been no studies of regional impact of the following issues or others. An EIS could include determination of these impacts.
 - o the diesel truck traffic this facility and warehouses built to be served by the facility will generate,
 - o air pollution impacts,
 - o congestion impacts,
 - o health impacts,
 - o Other intended and unintended consequences of this proposed development.

Other communities have done regional analyses. The EIS would provide a way to do a good analysis for the Kansas City area. A locally developed preliminary analysis for a similar facility in Florida describes some of the issues that should be taken into account.

- a. Draft ILC Report for Polk Co on CSX Intermodal.pdf

7. No determination has been made of actions that could be taken to mitigate the impacts of this Intermodal Facility.. However, effective actions have been planned and implemented elsewhere. The State of California Air Resources Board has done extensive work in this area. The following references are attached as examples of what could be done for the Kansas City area:
 - a. BNSF and UP agreement on Particulate Matter Emissions Reduction Program at California Rail Yards.pdf
 - b. AIR QUALITY AND LAND USE HANDBOOK - A COMMUNITY HEALTH PERSPECTIVE..pdf

- c. Statewide Strategies to Reduce Locomotive and Associated Rail Yard Emissions.pdf
 - d. Update on the Implementation of the 2005 ARB-Railroad Statewide Agreement.pdf
 - e. Draft ARB Health Risk Assessments for the Commerce Railyards.pdf
 - f. Diesel-Fueled Cargo Handling Equipment Emissions Inventory Development.pdf
 - g. Environmental Impact of Overton Moore Industrial (Warehouse) Project.pdf
 - h. Recommendations of the Gardner Intermodal Review Committee.pdf
8. The EIS should study the impact of opening the facility both with and without the required new I-35 interchange in place. At this point, it seems likely that the Intermodal Facility will open without the I-35 Interchange that is needed for it to operate efficiently.

Without the interchange in place, much of the diesel truck traffic will be forced to enter I-35 by way of a small rural highway interchange that was not designed for the loads or volume to which it will be subjected. Local residents who use the interchange will be subjected to heavy levels of diesel exhaust Particulate Matter. This is almost certain to have negative health effects, including triggering asthma attacks, increasing cancer rates, and causing premature death. The EIS should study the impact of opening the facility both with and without the new interchange in place.

9. It is more efficient and effective do prepare an EIS now, rather than later for the planned I-35 interchange. The developers, City of Gardner, and State of Kansas have made it clear that a new I-35 interchange is required to serve the Gardner Intermodal Facility. It is likely that an EIS will be required for this Interchange. It would be more efficient and effective for a comprehensive EIS to be conducted now, rather than to wait until after the facility is built to conduct an EIS just for the Interchange. It is very likely that comprehensive planning will result in a better outcome than piecemeal planning of the key components of the development.
10. No agency has any idea of the impact of diesel truck traffic generated by the Intermodal on the regional highway network. It is not known if the truck traffic generated by this facility can be handled by I-35 and I-435 or smaller local highways, and expansion of these highways will be very expensive. These impacts should be determined now, and alternative approaches to dealing with them should be evaluated. The right decisions made now might save billions of dollars in the future.
11. The EIS process will provide the regional planning process and skills that are badly needed by Johnson County and the KC region. Currently, the unit of government that is driving the planning and analysis process is the small town of

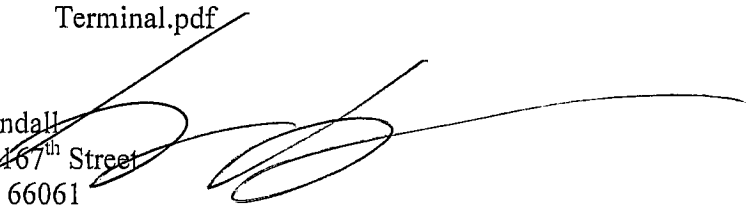
Gardner, Kansas, which does not have the staff resources to adequately plan and evaluate this project. If ever there was a time and place at which the Corps of Engineers could fulfill an unmet need, this is it. Other metropolitan areas, such as Chicago, to their regret, are now being forced to 'backfill' and provide environmental assessments long after they have reached the congestion breaking point. Kansas City can avoid that mistake. Attached Reference:

a. Chicago Speed Program.pdf

12. Environmental Impact Statements have been prepared for other Intermodal Facilities. Other communities have benefited from the thorough analysis and planning that is part of an EIS. Kansas City would benefit from this approach to properly evaluate and plan this proposed development. Attached references:

a. EIS Presentation - Detroit Intermodal Freight Terminal 2005.pdf

b. Federal Register Notice of Intent for EIS for Intermodal Freight Terminal.pdf



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